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RHMFISS/CDR USEUCOM VAIHINGEN GE PRIORITY

RUFQADA/JAC MOLESWORTH RAF MOLESWORTH UK PRIORITY

RHFMFIU/AFSOUTH NAPLES IT PRIORITY

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RHEHNSC/NSC WASHDC PRIORITY

RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY

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EAID, KDEM, UNMIK, YI

SUBJECT: KOSOVO: SEVENTH ANNUAL TRAFFICKING IN PERSONS (TIP) REPORT

REF: 06 STATE 202745

¶1. (U) SUMMARY: Post's submission for the Seventh Annual Trafficking in Persons (TIP) Report follows. Kosovo is administered by the United Nations Interim Administrative Mission in Kosovo (UNMIK) pursuant to UN Security Council Resolution (UNSCR) 1244, which was adopted in 1999 following the NATO air strikes that ended the conflict in Kosovo. The Special Representative of the UN Secretary General (SRSG) leads UNMIK, and the UNMIK-promulgated Constitutional Framework for Provisional Self-Government in Kosovo defines the Provisional Institutions of Self-Government (PISG), including the Kosovo Assembly and various ministries. UNMIK's gradual transition of competencies to the PISG accelerated in 2006, and the PISG took on greater responsibility for anti-trafficking, with the police anti-trafficking unit transitioning from UNMIK civilian police (Civpol) to the Kosovo Police Service (KPS) and the Victims' Advocacy and Assistance Unit (VAAU) moving from UNMIK Department of Justice to the new Ministry of Justice. There is a lot of work to be done and resources are limited, but the PISG has gotten off to a good start and has a strong will to tackle the trafficking problem. END SUMMARY.

Overview of Kosovo's activities to eliminate trafficking in persons

¶2. (U) Question 27 (A): Is the country a country of origin, transit, or destination for internationally trafficked men, women, or children? Provide, where possible, numbers or estimates for each group; how they were trafficked, to where, and for what purpose. Does the trafficking occur within the country's borders? Does it occur in territory outside of the government's control (e.g. in a civil war situation)? Are any estimates or reliable numbers available as to the extent or magnitude of the problem? What is (are) the source(s) of available information on trafficking in persons or what plans are in place (if any) to undertake documentation of trafficking? How reliable are the numbers and these sources? Are certain groups of persons more at risk of being

trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, etc.)?

¶ 13. (U) Kosovo is a source, transit point and destination for trafficked persons, and internal trafficking is a growing concern. As in previous years, the identified victims were women and girls trafficked for the purpose of sexual exploitation.

¶ 14. (U) Detailed, reliable statistics are difficult to collect and often misleading because organizations active in counter-trafficking efforts rely on different definitions of trafficking, employ uneven statistical analyses and overlap in data collection. Moreover, the statistics that are available are of victims who have been identified by the police or, in rarer cases, gone directly to IOM or come to social workers, attention. Many victims are never identified due to the hidden nature of the crime. Finally, there is a dearth of statistics for Kosovo Serb victims.

¶ 15. (U) The Kosovo Police Service (KPS) is one of the few PISG organizations operating in Kosovo Serb areas, but its Trafficking in Human Beings Section (THBS) has been unable to recruit a Kosovo Serb officer. KPS THBS says it has advertised positions in the anti-trafficking unit in Serbian, but has not received any applications from Kosovo Serb KPS officers. KPS THBS laments that it is nearly impossible to mount undercover operations in Kosovo Serb communities without a Kosovo Serb officer. The Coordination Center for Kosovo and Metohija (CCK), a Serbian Government body for Kosovo, says it believes trafficking is a problem in Kosovo Serb majority areas, but it does not have any statistics.

¶ 16. (U) Notwithstanding the challenges of collecting accurate

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statistics, especially for Kosovo Serb areas, KPS THBS, Ministry of Justice Victims Advocacy and Assistance Unit (VAAU), and International Organization of Migration (IOM) statistics do illustrate the magnitude of the problem in Kosovo and capture important trends. From January 1 through December 31, 2006, KPS THBS identified 66 victims of trafficking, and IOM assisted 54. This was a slight increase over 2005 when KPS identified 55 victims. Twenty of the victims KPS THBS identified in 2006, including eight under the age of 18, were Kosovars; 30 of the victims IOM assisted were Kosovars, including 17 minors. While the numbers may not be large, there was a 150 percent increase in the number of locally trafficked victims IOM assisted from 2005 to 2006, and 2006 was the first year in which IOM assisted more internally trafficked than foreign victims in Kosovo.

¶ 17. (U) For April 1, 2006 through January 31, 2007, the KPS reported 50 victims, 12 of whom were non-minority Kosovo Albanians. The majority of the remaining 38 victims were Moldovan.

¶ 18. (U) The Ministry of Justice's Victims' Advocacy and Assistance Unit (VAAU) reported assisting 35 victims of trafficking in 2006, about half of whom were internally trafficked, and four victims from January 1 through February 8, 2007. They noted that all of the internally trafficked victims were Kosovo Albanians.

¶ 19. (U) From 1999 through December 31, 2006, the IOM assisted 538 mainly international victims of trafficking. Moldovans accounted for 51 percent of the victims, followed by about 20 percent from Romania, 13 percent from Ukraine, and the rest from Bulgaria, Albania, Russia, Serbia, Montenegro, Slovakia and Nigeria. The majority of these victims were between the ages of 18 and 24 years. IOM reported that slightly more than 77 percent of the Kosovar victims were internally trafficked, while approximately 10 percent were trafficked to Macedonia and five percent each to Italy and Albania.

¶ 10. (U) KPS THBS, IOM and others involved in

counter-trafficking work in Kosovo believe that most victims are from families with a high level of poverty, unemployment and illiteracy and that trafficked minors tend to be locals from dysfunctional, abusive families. Nevertheless, some university-educated women have fallen prey to traffickers. IOM statistics for 2006 indicate that 11 percent of local victims were not enrolled in school; 35 percent had only finished primary school (fifth grade); 47 percent had finished elementary school (ninth grade); 6 percent had completed secondary education (high school); and 1 percent had attended university. Two percent of the foreign victims were not enrolled in school; 19 percent had only finished primary school (fifth grade); 35 percent had completed secondary education (high school); 38 percent had received vocational training; and 4 percent had gotten a university degree.

¶11. (U) Question 27 (B): Please provide a general overview of the trafficking situation in the country and any changes since the last TIP Report (e.g. changes in direction). Also briefly explain the political will to address trafficking in persons. Other items to address may include: What kind of conditions are the victims trafficked into? Which populations are targeted by the traffickers? Who are the traffickers? What methods are used to approach victims? (Are they offered lucrative jobs, sold by their families, approached by friends of friends, etc.?) What methods are used to move the victims (e.g., are false documents being used?).

¶12. (U) Victims trafficked to Kosovo continue to be almost exclusively women and adolescent girls from Eastern Europe, the Balkans and the former Soviet Union. In 2006, KPS THBS identified 66 victims: 30 Moldovans, 20 Kosovars, 6

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Albanians, 3 Ukrainians, 2 Russians, 2 Bulgarians, and 3 from other countries. Statistics indicate that most Kosovar victims are minors, while most foreign victims are young women.

¶13. (U) The PISG and United Nations Interim Administration Mission in Kosovo (UNMIK) are aware of the human trafficking problem and have demonstrated the political will to address it. They named a national anti-trafficking coordinator and adopted a Kosovo Action Plan (KAP) in cooperation with many NGOs and international organizations. They also created a secretariat in the Prime Minister's Advisory Office on Good

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Governance (AOGG) to support the national anti-trafficking coordinator and an inter-ministerial working group on trafficking in persons. In 2006, they started four other working groups to tackle prevention, protection, prosecution, and trafficking in children. They have also launched numerous anti-trafficking campaigns and training sessions under the auspices of the KAP and with the support of NGOs, international organizations and liaison offices.

¶14. (U) The data on traffickers is unreliable, but most people working in the counter-trafficking field in Kosovo believe organized crime elements are responsible. KPS THBS believes most traffickers work in small groups and recruit through personal contacts. They also believe some traffickers are former trafficking victims who have returned to their countries of origin to recruit new victims. UNMIK's Central Intelligence Unit (CIU) believes Kosovo Albanian and Kosovo Serb organized crime elements collaborate in the trafficking of women and that some women are trafficked from or through Serbia into Kosovo, where brothel owners purchase them. Based on information provided by the victims it has assisted, IOM believes most traffickers are local men.

¶15. (U) As in previous years, the majority of trafficking victims report that someone they knew recruited them with a false job offer or a false promise of marriage. IOM reports

that of the 538 mainly international victims it has assisted since 1999, 73 percent fell prey to traffickers after accepting a bogus job offer abroad, 4 percent claim to have been kidnapped, and 4 percent were promised marriage. In 83 percent of cases, recruiting was through personal contacts; the recruiter was an acquaintance of the victim in 29 percent of the cases, and a family friend in approximately 15 percent. Recruiters were most often female.

¶16. (U) Evidence obtained by the KPS THBS and counter-trafficking service providers indicates that traffickers target primarily poorly educated and economically disadvantaged women. Foreign targets tend to be 18 to 24 years old, while local targets are generally 16 to 18 years old. IOM paints a very similar picture based on the information it has collected from victims in Kosovo. Its records indicate that traffickers most often recruit poor women and girls from rural villages where economic opportunities are limited. According to IOM, traffickers particularly target those who have sick family members or are from abusive families.

¶17. (U) While there are still reports of trafficking victims being subjected to beatings, rape, denial of access to health care and confiscation of travel and identity documents, that trend appears to be changing. KPS THBS, IOM and Catholic Relief Services (CRS) report that traffickers are increasingly treating victims better. They say traffickers are improving the victims' living conditions, granting them some freedom of movement, and paying them a percentage of earnings. KPS THBS even sees evidence of wire transfers from foreign victims to their families back home. Nevertheless, IOM says most trafficking victims are sharing small motel rooms, and many have limited or no freedom of movement.

¶18. (U) KPS THBS reports that few trafficking victims enter

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illegally or use false documents. Most trafficking victims possess valid passports and valid employment permits for work as waitresses and dancers. The contracts are registered by Kosovo law firms and stamped by municipal authorities. KPS THBS reports that some victims receive pay only for performing sexual services, and not for the work stated in their employment contracts. IOM also says most victims have their documents in order, but they still find some cases of victims coming to Kosovo on false documents.

¶19. (U) As in past years, the majority of victims are found working in bars and restaurants, but some counter-trafficking organizations report that traffickers are increasingly shifting the commercial sex trade into private homes and escort services to avoid detection, a result of KPS THBS's increasingly frequent bar and restaurant checks.

¶20. (U) Question 27 (C): What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

¶21. (U) The hidden nature of the problem, reluctance of witnesses to come forward, lack of resources, and inadequate training of judges and prosecutors limit the PISG's ability to address the trafficking problem. While post has not found any evidence of corruption related to trafficking cases, some people post interviewed believe corruption is also a problem, particularly at the borders. Given the low salaries local law enforcement officials receive and the overall weakness of the rule of law, susceptibility to corruption is a concern. The PISG is taking a proactive approach to tackling corruption. It established the Kosovo Anti-corruption Agency and the Police Inspectorate of Kosovo (PIK) in July 2006, and the Kosovo Special Prosecutors' Office (KSPO) in September 2006. The PIK is currently taking efficiency and effectiveness issues, but it recently hired an additional 20

people to address police corruption issues. Its officers will begin taking complaints upon completion of a six- to eight-week Organization of Security and Cooperation in Europe (OSCE)-administered training course. The KSPO will handle sensitive cases, including corruption, organized crime and trafficking, initially under the tutelage of international prosecutors. One special prosecutor began work in January 2007, and three more will start in early 2007. The KSPO's authorized strength is 10 special prosecutors.

¶22. (U) KPS THBS report myriad obstacles to fighting trafficking. Officers complain of women or girls whom they suspect of being trafficking victims denying that they are victims, and they suspect fear of the traffickers is to blame. Witness intimidation is a serious problem in Kosovo. One of the trafficking shelters, the Center for Protection and Prevention of Victims of Trafficking in Human Beings (PVPT), shut down recently, partly in response to threats it received when its location was compromised. It is expected to re-open in a new location in March 2007.

¶23. (U) KPS THBS also notes that its funding is low and its resources are scarce, a general problem for law enforcement in Kosovo. Officers complain of an inadequate budget for undercover operations and a need for more equipment and personnel. One KPS THBS official told post that undercover officers are easily detected by traffickers because there is no budget for expenses during undercover operations and they sit for hours in bars and restaurants collecting intelligence without ordering food and drinks.

¶24. (U) According to KPS THBS officials, decentralization of their department has also been an obstacle to effective undercover operations. Since KPS THBS decentralized in 2005, officers say some district commanders have compromised undercover operations by requiring counter-trafficking

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officers to participate in other operations for which they have to don uniforms and ride in marked cars. They hope to remedy this situation by restoring central control to all KPS THBS officers.

¶25. (U) KPS THBS also complains of a lack of human resources. The unit is slightly under its authorized ceiling of 34 officers and is proposing an increase to 38 officers during 2007. KPS THBS is particularly keen to recruit more female officers because it is easier for female officers to gain the trust and confidence of female trafficking victims. Currently, KPS THBS has female officers in Mitrovica, Pristina, and Prizren, but not in Ferizaj and Gjilan. In 2007, they hope to assign one female officer in each regional office and three or four female officers in the headquarters.

¶26. (U) Another human resources problem is the lack of Kosovo Serb officers in the anti-trafficking unit. KPS THBS correctly points out that it would be very difficult for a Kosovo Albanian officer to mount a surveillance or undercover operation in a suspected trafficking bar or restaurant in a Kosovo Serb enclave or in a Kosovo Serb majority area of northern Kosovo. KPS THBS reports that it has tried to recruit a Kosovo Serb officer and has run vacancy announcements in Serbian.

¶27. (U) Resources to assist trafficking victims are also scarce. Catholic Relief Services noted that the Kosovo Action Plan (KAP) was drafted with the expectation of a donor conference being organized to fund the different activities together with the PISG. The conference was never organized, and a lack of funds is preventing some of the projects from advancing. CRS reports that despite the fact that many of the over 70 activities in the KAP have been accomplished, many projects in the protection pillar remain unrealized.

¶28. (U) Funding for shelters is particularly inadequate. The Ministry of Labor and Social Welfare (MLSW) provides some

funding for a shelter for domestic trafficking victims, as well as a safe house for children and a semi-independent living center, both run by Hope and Homes for Children (HHC).

HHC also receives funding from Norwegian Church Aid and its parent UK NGO, also called Hope and Homes for Children. The main portion of their private funding will end in 2007, and the director indicates that government funds are inadequate to manage the shelter. In fact, HHC came dangerously close to having to close its doors in February 2007 because it was counting on money from the MLSW, whose shelter support tender is stalled, for its 2007 operations. At the last minute, the MLSW agreed to fund Hope and Homes at the previous year's level until the tender can be published and competed.

¶29. (U) The largest shelter for foreign victims of trafficking, PVPT, receives no government funding. To date, most of its funding has come from IOM, OSCE and the British Office. It is currently closed because of insufficient funds to cover its rent and the fact that its location was compromised and staff and residents received threats. It will likely reopen in a new location in March 2007 with assistance from the OSCE, including reprogrammed money donated by the U.S. Government, but its long-term funding is clouded by reductions in donor funding. The two victims who were in PVPT when it closed were transferred to the Interim Security Facility (ISF), which is run by the Ministry of Justice and designed to handle the most high-risk cases.

¶30. (U) Question 27 (D): To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, prevention and victim protection) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

¶31. (U) The PISG tries to systematically monitor its

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anti-trafficking efforts and is willing to make information on its efforts available publicly or privately. The PISG offices have been very responsive to post, always providing requested information in a timely manner and granting post's requests for meetings on trafficking-related issues. The National Coordinator for Counter-trafficking in the Prime Minister's Advisory Office on Good Governance (AOGG) is responsible for coordinating and reporting on counter-trafficking efforts. His secretariat issues bulletins every three months and organized a one-day conference in December 2006 on implementation of the Kosovo Action Plan (KAP), but some have criticized it for only reporting on activities, and not assessing implementation of the KAP. The USAID-funded Partnership against Trafficking in Human Beings (PATH) project will assess KAP implementation in **¶2007.**

¶32. (U) Another effort at monitoring anti-trafficking efforts is the KPS THBS yearly report on trafficking in human beings, which was issued for the first time in 2006 after the KPS THBS gained full competency for anti-trafficking work from UNMIK Police. The report analyzes trends and gives a good snapshot of the trafficking situation, but the KPS does not attempt to assess its own efforts, presumably because this would have to be done by an independent body.

Prevention

¶33. (U) Question 28 (A): Does the government acknowledge that trafficking is a problem in the country? If not, why not?

¶34. (U) The PISG and UNMIK acknowledge that trafficking in persons is a problem in Kosovo, and they are trying to tackle the issue.

¶35. (U) Question 28 (B): Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

¶136. (U) The national coordinator for counter-trafficking in the Prime Minister's Advisory office on Good Government (AOGG) has the lead on anti-trafficking work and is supported by a small secretariat. Other agencies involved in counter-trafficking work include the Ministries of Education, Sports and Technology (MEST); Culture, Youth and Sports; Interior; Justice; Labor and Social Welfare; Health; Public Services; Local Government; Finance; Trade and Industry; and Communities and Returns. International organizations and NGOs also play a very active role in counter-trafficking efforts in Kosovo.

¶137. (U) Kosovo also has an inter-ministerial working group on trafficking issues, which is tasked with designing, implementing and monitoring the KAP and includes members of the PISG, UNMIK, international organizations and NGOs. In 2006, the Inter-Ministerial Working Group established sub-working groups on prevention, protection, prosecution, and trafficking in children.

¶138. (U) Question 28 (C): Are there, or have there been, government-run anti-trafficking information or education campaigns? If so, briefly describe the campaign(s), including their objectives and effectiveness. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)?

¶139. (U) Most anti-trafficking campaigns have been run by international organizations and NGOs with the PISG's support and under the auspices of the Kosovo Action Plan (KAP). The national counter-trafficking coordinator said Kosovo focused mostly on prevention in 2006, launching an anti-trafficking website, awareness campaigns against trafficking aimed at children and young girls, and a network of young

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anti-trafficking &ambassadors.8 Prism Research conducted a study in 2006 and 2007 to learn more about who the clients are so anti-trafficking campaigns can begin to target them. Catholic Relief Services commissioned the Prism study as part of the USAID-funded Partnership against Trafficking in Human Beings (PATH) project.

¶140. (U) The anti-trafficking website is in English, Albanian and Serbian and can be accessed at <http://www.antitrafficking-kosovo.org/en/>. The AOGG maintains it, and it offers a wealth of information on anti-trafficking activities, laws, resources and contacts.

¶141. (U) The prevention campaigns included two that the Ministry of Education, Science and Technology (MEST) and AOGG undertook jointly to circulate informational brochures in primary and secondary schools and introduce counter-trafficking information in school curricula. (Note: While the national counter-trafficking coordinator was certain that these campaigns reached everyone in the PISG-controlled schools, he could not confirm whether they reached Kosovo Serb students in the parallel education system controlled by Belgrade. He said the materials were sent to officials in the affected municipalities with a request that they be introduced in the schools. The Coordination Center of Serbia and for Kosovo and Metohija (CCK) also could not confirm whether these materials reached Kosovo Serb students, but said counter-trafficking curricula from Belgrade had been introduced in the schools. End note)

¶142. (U) The AOGG also collaborated on two innovative projects to reach broader audiences, a film called &Recruiter& and a regional counter-trafficking bicycle tour. &Recruiter& is a film designed to prevent women and girls from falling prey to traffickers. It aired on Kosovo television and officially premiered in Pristina in February 2007. The bicycle tour was an initiative of the national counter-trafficking coordinators of Kosovo, Albania, Romania, Bulgaria and

Macedonia, with the support of the Government of Norway. National teams of anti-trafficking activists toured the countries to raise awareness of the trafficking issue, and organized events in each of the capitals, including a meeting of the national coordinators and teams.

¶43. (U) Another AOGG-supported initiative was the anti-trafficking ambassadors program. The AOGG trained a group of young human rights and anti-trafficking "ambassadors" in August and September 2006, and sent them on a tour of Kosovo to host debates on human rights and trafficking issues. The program succeeded in spreading the anti-trafficking message throughout Kosovo and the ambassadors even became interested and active in other KAP activities. The program concluded in late 2006, but the national counter-trafficking coordinator said he hopes to reactivate it in 2007.

¶44. (U) The International Organization of Migration (IOM) also ran counter-trafficking campaigns in 2006 and early 2007. Its &I Decide for Myself8 awareness-raising campaign, launched in July 2005, continued to deliver the counter-trafficking message to the general public. As part of the campaign, the NGO "Integra" showed the film &People of the Road8 at 10 schools in Kosovo, implemented a six-month broadcasting campaign with radio spots and programs in minority languages, presented the documentary film &Dying to Escape,⁸ and distributed informational leaflets at the Pristina Book Fair. From May 2005 to June 2006, it ran a &Stop! Trafficking in Human Beings⁸ campaign in cooperation with AOGG, which included the commission of a song, broadcasts on RTK, KTV and TV21, print advertising in Koha Ditore, billboards in Serbian and Albanian in major towns, and the distribution of leaflets, T-shirts and bags with its logo.

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¶45. (U) Finally, IOM and the Ministry of Justice sponsor anti-trafficking hotlines. IOM reported little success with its hotline, which is run by a local NGO. From December 2005 through December 2006, they received 25,855 calls; 22,645 callers were curious about what the hotline was, 232 asked for information about trafficking, 24 reported having been trafficked, and 184 reported concern for someone they suspected or knew had fallen victim of trafficking. The Ministry of Justice hotline has reportedly been more successful. The VAAU told Catholic Relief Services (CRS) that it received 1,000 calls between November 2005 and September 2006, 430 of which were referred to KPS THBS for response and 200 of which were referred to victims' advocates. The remaining 370 calls were reportedly of an informational nature.

¶46. (U) Question 28 (D): Does the government support other programs to prevent trafficking? (e.g., to promote women's participation in economic decision-making or efforts to keep children in school.) Please explain.

¶47. (U) The PISG, in cooperation with NGOs and international organizations, has other campaigns to encourage promotion of women's participation in economic decision-making and discourage children from dropping out of school, which might help prevent women and girls from falling prey to traffickers since statistics indicate that most trafficking victims have little education and are economically disadvantaged. The Prime Minister's advisor on equal opportunity and gender issues and the Ministry of Education run these campaigns.

¶48. (U) Question 28 (E): What is the relationship between government officials, NGOs, other relevant organizations and other elements of civil society on the trafficking issue?

¶49. (U) There is very good cooperation on the trafficking issue among PISG officials, NGOs, international organizations and other elements of civil society in Kosovo. They

regularly consult on developing and implementing trafficking-related protocols, such as the Standard Operating Procedures (SOP) for dealing with victims of trafficking. They also cooperate very closely on providing assistance to victims. Aside from the Interim Security Facility (ISF) for high-risk trafficking victims, all shelters are managed by local NGOs and partially funded by the MLSW. Moreover, NGOs and international organizations fully participated in drafting the KAP and serve on the Inter-Ministerial Working Group on trafficking issues, which is responsible for designing, implementing and monitoring the KAP.

¶50. (U) Question 28 (F): Does the government monitor immigration and emigration patterns for evidence of trafficking? Do law enforcement agencies screen for potential trafficking victims along borders?

¶51. (U) KPS monitors immigration patterns for evidence of trafficking. Foreigners staying in Kosovo more than 90 days are required to register with the Office of Foreign Registration (OFR) unless they are employees of KFOR, international organizations or foreign liaison offices. KPS THBS coordinates closely with the OFR to identify potential trafficking victims and subsequently interview them. When they do bar/restaurant checks, KPS THBS officers particularly look for women and girls that have been classified as at-risk through OFR records checks.

¶52. (U) KPS Border/Boundary Police officers also report that they routinely look for potential victims of trafficking entering Kosovo's border and boundary gates and the Pristina Airport. When they suspect a woman or girl may be a victim or potential victim of trafficking, they separate her from others with whom she is traveling in order to question her, warn her of the risks of trafficking and give her information on what to do if she becomes a victim of trafficking. Border

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police cooperate closely with KPS THBS.

¶53. (U) KPS THBS says it is also monitoring emigration patterns to try to understand possible criminal networks trafficking women and girls from Kosovo to other European countries. It works closely with Border/Boundary Police on this.

¶54. (U) Question 28 (G): Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force? Does the government have a trafficking in persons working group or single point of contact? Does the government have a public corruption task force?

¶55. (U) The national coordinator for counter-trafficking in the Prime Minister's Advisory Office for Good Governance (AOGG) coordinates communication among counter-trafficking actors in Kosovo, including the relevant ministries, NGOs and international organizations. The national counter-trafficking coordinator has a secretariat and chairs an inter-ministerial working group on counter-trafficking, which designs, implements and monitors the Kosovo Action Plan (KAP) on trafficking. There are also sub-working groups on prevention, protection, prosecution and trafficking in children.

¶56. (U) The PISG does not have a public corruption task force, but it established the Kosovo Anti-corruption Agency on July 17, 2006. Since it is a fledgling institution, it is too soon to assess its efficacy. The PISG also established the Police Inspectorate of Kosovo (PIK) in July 2006 and the Kosovo Special Prosecutors' Office (KSPO) in September 2006. The PIK is currently addressing efficiency and effectiveness issues in the KPS, but will start to investigate corruption and other misconduct issues following training of 20 new

hires by the OSCE in early 2007. The KSPO's mandate is to handle sensitive cases, including corruption, organized crime and trafficking, initially under the tutelage of international prosecutors. The KSPO is authorized to hire 10 special prosecutors. One prosecutor started in January 2007 and another three are due to begin work in early 2007.

¶157. (U) Question 28 (H): Does the government have a national plan of action to address trafficking in persons? If so, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to disseminate the action plan?

¶158. (U) Kosovo has a national plan to address trafficking in persons, the &Kosovo Action Plan to Combat Trafficking in Persons, 8 or KAP. It was adopted on May 17, 2005 and will expire in 2007. Plans are underway for a successor plan. All of the relevant ministries were involved in drafting the plan, except the Ministries of Justice and Interior, which were created after the plan. International organizations, NGOs and civil society representatives also participated in the process. In August 2005, the plan was publicly presented by the actors involved in its creation. It has been widely distributed and posted on the anti-trafficking website.

Investigation and Prosecution of Traffickers

¶159. (U) Question 29 (A): Does the country have a law specifically prohibiting trafficking in persons--both for sexual and non-sexual purposes (e.g. forced labor)? If so, please specifically cite the name of the law and its date of enactment. Does the law(s) cover both internal and external (transnational) forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud or coercion? Are

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these other laws being used in trafficking cases? Are these laws, taken together, adequate to cover the full scope of trafficking in persons? Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes, (e.g., civil forfeiture laws and laws against illegal debt).

¶160. (U) The Provisional Criminal Code of Kosovo (PCCK) or UNMIK/REG/2003/25, which came into effect on April 6, 2004, covers internal and external trafficking, as well as myriad activities related to trafficking. Its provisions include Article 137 on slavery and forced labor, Article 139 on trafficking in persons, Article 140 on withholding identity papers of trafficking victims, Article 201 on facilitating prostitution, Article 183 on violating employment rights, Article 193 on rape, Article 195 on sexual assault, Article 196 on degradation of sexual integrity, Article 236 on misuse of economic authorizations, Article 274 on organized crime, Article 303 on failure to report preparation of criminal offenses, Article 304 on failure to report criminal offenses or perpetrators of criminal offenses, Article 305 on providing assistance to perpetrators after the commission of criminal offenses, and Article 310 on intimidation during criminal proceedings for organized crime.

¶161. (U) The PCCK is sophisticated legislation for the region and adequately covers trafficking and trafficking-related crimes, but some believe it is under-implemented. The Kosovo Police Service Trafficking in Human Beings Section (KPS THBS) says some prosecutors still lack awareness of the use of the instruments now available during investigative and trial phases. At times, the KPS THBS reports that it has had to insist on the application of such measures.

¶162. (U) There have also been some unintended consequences of PCCK Articles and UNMIK Regulations that were meant to curb trafficking and protect victims. For example, under UNMIK Regulation 2001/4, trafficking victims are not required to

testify against their exploiters in order to receive assistance and are entitled to repatriation without delay. Consequently, some victims leave Kosovo before their traffickers go to trial. UNMIK Regulation 2005/16 requires documentation from would-be workers in Kosovo. It has helped Border and Boundary Police officers identify and curb trafficking at border entry points, but the KPS, international organizations and NGOs report that it has led traffickers to use more clandestine means of entry or to provide the victims with employment contracts for work as waitresses or dancers. Finally, Article 139 provides for prosecution of persons who knowingly use or procure the sexual services of a victim of trafficking. While this is meant to punish clients of trafficking victims, it is not the deterrent it was intended to be because it is very difficult to prove that a client knew he or she was procuring the services of a trafficking victim.

¶63. (U) Anti-trafficking is a priority under the Rule of Law standard of the &Standards for Kosovo8 and companion document, the Kosovo Standards Implementation Plan, which was drafted in coordination with the international community and which outlines items Kosovo must achieve to become a multi-ethnic, democratic, functioning entity. Kosovo has not yet met these standards, but it has made considerable progress this year.

¶64. (U) Question 29 (B): What are the penalties for trafficking people for sexual exploitation?

¶65. (U) PCCK Article 139 on trafficking in persons provides for two to 12 years imprisonment for engaging in trafficking in persons (three to 15 years if the victim is a minor), seven to 20 years plus a fine of up to 500,000 euros for organizing a group to commit the offense, six months to five years for negligently facilitating trafficking in persons,

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three months to five years for procuring sexual services of a known trafficking victim (two to 10 years if the victim is under the age of 18). These sentences are greater if committed by an official. Under Article 139, an official would receive five to 15 years in prison for engaging in trafficking, at least ten years for organizing a group to commit the offense, and two to seven years for negligently facilitating trafficking in persons or procuring sexual services of a trafficking victim (five to 12 years if the victim was a minor).

¶66. (U) Question 29 (C): Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor and involuntary servitude? Do the government's laws provide for criminal punishment -- i.e. jail time -- for labor recruiters in labor source countries who engage in recruitment of laborers using knowingly fraudulent or deceptive offers that result in workers being exploited in the destination country? For employers or labor agents in labor destination countries who confiscate workers' passports or travel documents, switch contracts without the worker's consent as a means to keep the worker in a state of service, or withhold payment of salaries as means of keeping the worker in a state of service? If law(s) prescribe criminal punishments for these offenses, what are the actual punishments imposed on persons convicted of these offenses?

¶67. (U) PCCK Article 137 on establishing slavery, slavery-like conditions and forced labor provides for imprisonment of two to 10 years for general cases, three to 10 years if the perpetrator has a domestic relationship with the victim, three to 15 years if the victim is a child, and five to 12 years if the perpetrator is an official (five to 20 years if the victim is a child).

¶68. (U) PCCK Article 140 provides for punishment of one to five years imprisonment for withholding identification

documents of victims of trafficking. If the perpetrator is an official in the exercise of his or her duties, the punishment is three to seven years imprisonment.

¶ 69. (U) Trafficking in persons for other than sexual exploitation is rare in Kosovo, and USOP was unable to obtain statistics on imposed punishments for forced labor and involuntary servitude. USOP prosecutorial and judicial contacts did not recall such cases ever being tried in Kosovo.

¶ 70. (U) Question 29 (D): What are the prescribed penalties for rape or forcible sexual assault? How do they compare to the prescribed and imposed penalties for crimes of trafficking for commercial sexual exploitation?

¶ 71. (U) PCCK Article 193 covers rape and forcible sexual assault. It provides for prison sentences of: two to 10 years imprisonment for rape (five to 20 years if the victim is under 16); three to 10 years if the victim is unprotected or his or her security is in danger; five to 15 years if the victim is tortured or injured or if a dangerous weapon is used, if the perpetrator has caused the victim to become intoxicated, if the offense is committed by more than one person, or if the perpetrator knows the victim is vulnerable because of age, a handicap, illness or pregnancy, or if the perpetrator has a domestic relationship with a victim between the ages of 16 and 18; and five to 20 years if the perpetrator has a domestic relationship with a victim under the age of 16. If the victim dies, the minimum sentence is 10 years in prison.

¶ 72. (U) USOP was unable to obtain statistics on rape cases.

¶ 73. (U) Question 29 (E): Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel

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owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in many countries with federalist systems, prostitution laws may be covered by state, local, and provincial authorities.

¶ 74. (U) Voluntary prostitution is a minor offense under the Kosovo Law on Public Peace and Order Article 18(6), and the law punishes the prostitute, but not the client. The prostitute may receive up to 60 days in jail and, if foreign, face deportation. A client may only be punished under PCCK Article 139 if he or she knowingly procures the services of a trafficking victim, and it is almost impossible to prove that a client had such knowledge.

¶ 75. (U) Under PCCK Article 201, providing the premises for prostitution or recruiting, organizing or assisting a person with the crime of prostitution is punishable by a fine or imprisonment of up to three years. If prostitution is practiced within a 350-meter radius of a school or other locality used by children, the facilitator may receive six months to five years in prison. Facilitating prostitution for someone between the ages of 16 and 18 is punishable by one to 10 years imprisonment, and doing so for someone under the age of 16 is punishable by one to 12 years imprisonment.

¶ 76. (U) Question 29 (F): Has the government prosecuted any cases against traffickers? If so, provide numbers of investigations, prosecutions, convictions, and sentences, including details on plea bargains and fines, if relevant and available. Does the government in a labor source country criminally prosecute labor recruiters who recruit laborers using knowingly fraudulent or deceptive offers or impose on recruited laborers inappropriately high or illegal fees or commissions that create a debt bondage condition for the laborer? Does the government in a labor destination country

criminally prosecute employers or labor agents who confiscate workers' passports/travel documents, switch contracts or terms of employment without the worker's consent, use physical or sexual abuse or the threat of such abuse to keep workers in a state of service, or withhold payment of salaries as a means to keep workers in a state of service? Are the traffickers serving the time sentenced: If not, why not? Please indicate whether the government can provide this information, and if not, why not? (Note: complete answers to this section are essential. End Note)

¶ 77. (U) From April 1, 2006 to January 31, 2007, the KPS mounted 99 anti-trafficking operations, 34 of which were undercover. They arrested 28 people on trafficking charges, and identified 50 victims. Twelve of the victims were Kosovar Albanians; the rest of the victims were foreigners, and mostly from Moldova. The KPS THBS also checked 1,121 premises suspected of trafficking in persons during this period, and closed 14 of them.

¶ 78. (U) In 2006, the Kosovo judiciary worked on 42 trafficking in persons-related cases, 27 of which were unresolved cases from previous years. During the year, 14 cases were completed, resulting in 18 convictions. Fifteen of the convicts received prison terms and three received suspended sentences. The prison terms ranged from four months to nine years, but most were one year or less. Two traffickers served six months of a one-year sentence, and one served one year of a two-year sentence. Three traffickers received fines in addition to their sentences; one for 600 euros and two for 100 euros each.

¶ 79. (U) A weak witness protection system, inadequate training of prosecutors and a lack of technical equipment for undercover operations during the early part of the year contributed to the low rate of prosecution. Victims

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returning to their homes without testifying against their traffickers or refusing to testify against their traffickers further weakened prosecutions. (Note: The United States Government provided the KPS THBS some technical equipment for undercover operations in July 2006.)

¶ 80. (U) There is no evidence to suggest that Kosovo is a source or destination for forced laborers. KPS THBS reports that no forced labor cases came to their attention in 2006. UNICEF says that media reports surfaced about children being trafficked to Kosovo for begging during the year, but they found no evidence to support the allegations. Instead, they found children who came to Kosovo with their families and were begging out of economic necessity.

¶ 81. (U) Question 29 (G): Is there any information or reports of who is behind the trafficking? For example, are the traffickers freelance operators, small crime groups, and/or large international organized crime syndicates? Are employment, travel, and tourism agencies or marriage brokers fronting for traffickers or crime groups to traffic individuals? Are government officials involved? Are there any reports of where profits from trafficking in persons are being channeled? (e.g. armed groups, terrorist organizations, judges, banks, etc.)

¶ 82. (U) KPS, UNMIK Civpol, international organizations and NGOs believe organized crime groups are behind some of the trafficking in persons in Kosovo, and UNMIK police think a coordinated effort exists between Kosovo Serb and Kosovo Albanian criminal elements. Based on information from the victims it assists, IOM believes the majority of traffickers are local men. KPS THBS has noticed a trend of women entering Kosovo with valid employment contracts for work as waitresses or dancers, registered by municipalities and stamped by municipal authorities. KPS THBS believes most traffickers work in small groups through personal contacts, but anti-trafficking officers also suspect that initial

victims of trafficking are returning to their countries of origin and becoming recruiters. KPS THBS sees no evidence of employment, travel and tourism agencies or marriage brokers fronting for traffickers or crime groups to traffic individuals.

¶83. (U) Post is unaware of any reports of government officials being involved in trafficking or of trafficking proceeds being channeled to armed groups, terrorist organizations or judges. Nevertheless, there are no specific reports of where profits from trafficking are channeled, aside from informal reports from the KPS THBS that they see evidence of wire transfers from victims to their families abroad. Trafficking in Kosovo tends to be a cash business, and inadequate compliance and enforcement of money laundering legislation make it difficult for the police to monitor money transfers.

¶84. (U) Question 29 (H): Does the government actively investigate cases of trafficking? (Again, the focus should be on trafficking cases versus migrant smuggling cases.) Does the government use active investigative techniques in trafficking in persons investigations? To the extent possible under domestic law, are techniques such as electronic surveillance, undercover operations, and mitigated punishment or immunity for cooperating suspects used by the government? Does the criminal procedure code or other laws prohibit the police from engaging in covert operations?

¶85. (U) The KPS THBS, which gained full competency for counter-trafficking from UNMIK Police on April 15, 2006, actively investigates trafficking cases. Since transition, the number of bar checks has increased dramatically, and the number of bar closures has increased slightly. In addition to bar checks, the KPS THBS use techniques such as mitigated punishment or immunity for cooperating suspects, electronic

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surveillance and undercover operations, which are permissible under Kosovo law. Electronic surveillance is an extreme measure and may only be employed when other investigative efforts fail. It requires a court order, and KPS THBS complained of at least one case of a judge refusing to grant a request they believed was fully justified. They are continuing to press that judge and attempting to provide additional information to bolster their request. From April 1, 2006 through January 31, 2007, the KPS THBS conducted 99 counter-trafficking operations, 34 of which were undercover, and premise checks on 1,121 locations.

¶86. (U) Question 29 (I): Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking?

¶87. (U) The PISG provides training on recognizing and investigating trafficking in persons. KPS THBS officers provide specialized training to recruits at the Kosovo Police Service School (KPSS), Border and Boundary Police officers, and organized crime investigators. They also give more comprehensive courses to KPS officers attending the basic and advanced techniques courses at KPSS. The KPS THBS Chief provided the KPS Training Center and Police Academy with a lesson plan compiled by Balkan experts at the initiative of the International Center for Migration Policy Development (ICMPD) and United Nations Development Program (UNDP). Thanks to this lesson plan, officers get Balkans-specific training on the trafficking issue and investigation approaches. In 2006, KPS THBS officers gave 10 training sessions at the KPSS to police recruits and officers attending investigations techniques courses. They also gave 9 trainings to Border and Boundary Police officers, 6 trainings to investigators of other units. KPS THBS's deputy head took part in finalizing a project for training counter-trafficking officers that UNDP and ICMPD organized.

¶88. (U) In addition to giving training to other officers, KPS THBS officers took part in three regional trainings on trafficking victims, issues and in training on the standard operating procedure (SOP) for processing victims, which various counter-trafficking organizations agreed upon under the Kosovo Action Plan (KAP). KPS THBS officers also attended specialized sessions on investigative techniques organized by the Organized Crime Training Network (OCTN) in Croatia, Montenegro and Kosovo, and participated in an IOM-organized study visit to Hungary and Albania.

¶89. (U) The Border and Boundary Police are due to take over counter-trafficking work along the borders and administrative boundary lines once the proposed Law on the Border Police takes effect, and they would like to receive even more in-depth training. Post is evaluating their request for U.S. Government assistance with this training.

¶90. (U) A number of international and national training organizations also provide comprehensive training programs on trafficking in persons to Kosovo judges and prosecutors. The Kosovo Judicial Institute, the primary national training organization, dedicates a significant portion of its induction training to trafficking in persons. The United States Department of Justice, Council of Europe, OSCE and other international organizations provide specialized training programs for judges and prosecutors on different aspects of trafficking in persons. Many involved in counter-trafficking work say that judges and prosecutors can still use more training.

¶91. (U) In early 2006, IOM and the national coordinator for counter-trafficking's secretariat conducted training to enhance Kosovo's institutional capacity to implement the KAP. KAP implementing partners also conducted training on the Standard Operating Procedures (SOP) for all actors involved

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in identification of and assistance to trafficking victims in 2006 and early 2007.

¶92. (U) Question 29 (J): Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, can post provide the number of cooperative international investigations on trafficking?

¶93. (U) In 2006, international cooperation declined, largely due to Kosovo's unique status preventing it from joining international organizations such as Interpol, Europol and the Southeast European Cooperative Initiative (SECI). KPS THBS reported that international cooperation was better when they were under UNMIK. They had bi-monthly meetings with the Serbian Ministry of Interior, as well as good coordination and contact with neighboring countries, Interpol and Europol. KPS THBS says it continues to provide requested information to international organizations and foreign governments, but says it does not see a two-way flow of information. KPS THBS reported that cooperation from April 1, 2006 to the present has been mostly thanks to collegial relations officers gained from various trainings. Albania and Moldova were the exception. Albania cooperated very closely and effectively through the Albanian Liaison Office, and the KPS THBS were able to free six Moldovan females thanks to a tip from a Moldovan police officer.

¶94. (U) The national counter-trafficking coordinator reports good cooperation with national counter-trafficking coordinators from neighboring countries. In particular, he cited work with national counter-trafficking coordinators from Macedonia, Albania, Romania and Bulgaria to raise awareness of anti-trafficking issues in 2006. He said they have also held meetings to exchange information.

¶95. (U) Since the majority of foreign trafficking victims identified in Kosovo come from Moldova, Kosovo's national counter-trafficking coordinator is particularly interested in

inviting the Moldovan national counter-trafficking coordinator to Pristina to discuss ways to tackle the problem. He asked the U.S. Government for financial assistance for this project, and Post is considering the request in light of its overall anti-trafficking assistance priorities.

196. (U) Question 29 (K): Does the government extradite persons who are charged with trafficking in other countries? If so, can post provide the number of traffickers extradited? Does the government extradite its own nationals charged with such offenses? If not, is the government prohibited by law from extraditing its own nationals? If so, is the government doing to modify its laws to permit the extradition of its own nationals?

197. (U) Kosovo is unable to enter into formal extradition treaties because it lacks status as a sovereign state. Nevertheless, UNMIK has been able to enter into international agreements to transfer Kosovars to other countries on a case-by-case basis, and is able to extradite foreign nationals under UN Security Council Resolution 1244. According to UNMIK, there have been eight cases of extradition to foreign countries, involving 11 people, since the end of the conflict in 1999.

198. (U) Question 29 (L): Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

199. (U) Post is unaware of any evidence of government involvement in or tolerance of trafficking on a local or institutional level. Nevertheless, KPS THBS has reported that foreign trafficking victims often arrive in Kosovo with valid documents and employment contracts registered by local attorneys and stamped by municipal authorities. They believe

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the attorneys and local authorities may be aware that the girls are being trafficked into Kosovo to work as prostitutes, despite the fact that the traffickers are asking them to draft and register employment contracts stating the girls will be waitresses or dancers.

1100. (U) Question 29 (M): If government officials are involved in trafficking, what steps has the government taken to end such participation? Have any government officials been prosecuted for involvement in trafficking or trafficking-related corruption? Have any been convicted? What sentence(s) was imposed? Please provide specific numbers, if available.

1101. (U) Post has found no evidence of government officials being involved in trafficking during this reporting period. Nevertheless, the PISG is aware that susceptibility to corruption is a problem in Kosovo due in particular to the low salaries local law enforcement officials receive. In 2006, the PISG established three government bodies whose mandates include anti-corruption work: the Police Inspectorate of Kosovo (PIK), the Kosovo Special Prosecutors' Office (KSPO) and the Kosovo Anti-Corruption Agency. (See paragraphs 21 and 56.) They are fledgling institutions, so it is too early to address their efficacy.

1102. (U) Question 30 (N): If the country has an identified child sex tourism problem (as source or destination), how many foreign pedophiles has the government prosecuted or deported/extradited to their country of origin? What are the countries of origin for sex tourists? Do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act)? If so, how many of the country's nationals have been prosecuted and/or convicted under the extraterritorial provision(s)?

1103. (U) Post has not found any evidence, anecdotal or otherwise, of a child sex tourism problem in Kosovo.

¶104. (U) Has the government signed, ratified, and/or taken steps to implement the following international instruments? Please provide the date of signature/ratification if appropriate.

--ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

--ILO Convention 29 and 105 on Forced or Compulsory Labor.

--The Optional Protocol to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution, and Child Pornography.

--The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime.

¶105. (U) Kosovo is not a sovereign state and therefore not a party to international instruments. As a UN-administered entity, it recognizes international covenants to which the UN is a signatory. The Constitutional Framework states the &PISG shall observe and ensure internationally recognized human rights and fundamental freedoms⁸ and lists international conventions on human rights, including: The Universal Declaration of Human Rights; the European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols; the International Covenant on Civil and Political Rights and the protocols thereto; the Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination Against Women; and the Convention on the Rights of the Child. UNMIK regulations state that all persons exercising public duties or holding public office are bound by internationally recognized human rights standards.

¶106. (U) According to the International Labor Organization (ILO), Convention 182 applies to Kosovo, and the Ministry of

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Labor and Social Welfare has committed itself to eliminating the worst forms of child labor by signing a memorandum of understanding with ILO on the implementation of ILO's International Program on the Elimination of Child Labor (IPEC).

Protection and Assistance to Victims

¶107. (U) Question 30 (A): Does the government assist victims, for example, by providing temporary to permanent residency status, relief from deportation, shelter and access to legal, medical and psychological services? If so, please explain. Does the country have victim care and victim health care facilities? Does the country have facilities dedicated to helping victims of trafficking? If so, can post provide the number of victims placed in these care facilities?

¶108. (U) Protection and assistance to trafficking victims are governed by the Standard Operating Procedures (SOPs) that UNMIK, the PISG, international organizations and NGOs developed for foreign and local victims in 2004 and 2006, respectively. Under the SOPs, when police or social workers suspect that someone is a trafficking victim, a KPS THBS officer must fill out a basic data form and call a victim's advocate from the Ministry of Justice Victims' Assistance and Advocacy Unit (VAAU). Victims' advocates assist all trafficking victims with legal advice and support from identification through reintegration. Victim's advocates also give victims information on medical and psychosocial support services available to them. In the case of minors, social workers from the MLSW's Center for Social Work (CSW) must be present for any questioning of the victim. They assist from identification through reintegration.

¶109. (U) UNMIK Regulation 2001/4 protects trafficking victims from being charged with prostitution or illegal entry, as well as from being deported. It also provides for review of requests for refugee status and for approval of residency

permits, if appropriate. Victims who do not wish to accept assistance are released, but they may be subject to re-arrest and deportation if they continue to work as prostitutes.

¶110. (U) All trafficking victims are accorded shelter and access to legal, medical and psychological services. Most medical and psychological services are provided through the shelters. Foreign victims who wish to return to their countries of origin also have a right to IOM repatriation assistance.

¶111. (U) The Ministry of Justice runs an Interim Security Facility (ISF) funded by Kosovo's central budget and supervised by Ministry of Justice Victims, Assistance and Advocacy Unit (VAAU) staff. It provides temporary shelter, medical care, clothing, pocket money, counseling, educational assistance, recreational activities, and other services to victims while they consider whether to be repatriated or wait to testify against traffickers in criminal proceedings. The average stay in the ISF is three nights and only the highest risk victims would normally stay longer. Victims are generally not permitted to stay in the ISF for more than six months.

¶112. (U) Aside from the ISF, the PISG relies heavily on foreign donors to operate shelters and services offered to trafficking victims. Hope and Homes operates two shelters and an assisted living project for trafficking victims. Although it is not desirable because of the special needs of trafficking victims, domestic violence shelters also occasionally accept trafficking victims on an emergency basis. The Center for Protection and Prevention of Victims of Trafficking in Human Beings (PVPT), which recently closed its doors because of insufficient funding and threats received after its location was compromised, is expected to reopen in March 2007 thanks to a donation from OSCE that

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includes re-programmed U.S. Government funds. These shelters usually assist victims for no more than six months.

¶113. (U) Hope and Homes narrowly averted shutting its doors in February 2007 when the MLSW agreed to fund it at the previous year's level until a tender for shelter services could be published and competed. Hope and Homes receives a large portion of its budget from the MLSW and was counting on the MLSW money for its 2007 operations. The Hope and Homes and PVPT funding issues highlight the precarious long-term future of shelters in Kosovo.

¶114. (U) Although data collection is improving, exact numbers of trafficking victims in Kosovo's shelters are not available. CRS reported that during calendar year 2006 PVPT assisted 21 victims, while Hopes and Homes for Children assisted 5, Woman Wellness Center in Peja 2, Liria in Gjilan 11, and Safe House Gjakova 8.

¶115. (U) Question 30 (B): Does the government provide funding or other forms of support to foreign or domestic NGOs for services to victims? Please explain.

¶116. (U) The MLSW funds, in part, shelters focusing on domestic trafficking victims. In addition, in several cities, the municipalities provide rent-free space to house shelters.

¶117. (U) Question 30 (C): Do the government's law enforcement and social services personnel have a formal system of identifying victims of trafficking among high-risk persons with whom they come in contact (e.g. foreign persons arrested for prostitution or immigration violations)? Is there a referral process in place, when appropriate, to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to NGO's that provide short- or long-term care?

¶118. (U) KPS THBS interviews potential victims of trafficking and fills out a basic data form, which is designed to capture relevant information once to prevent the victim from being re-victimized by numerous interrogations. Upon identification, the standard operating procedure (SOP) kicks in and a victim's advocate is called. As mentioned earlier, a social worker will also be called if the victim is a minor. Victims, advocates or social workers will refer victims to other services available to them, including shelter and reintegration programs.

¶119. (U) Question 30 (D): Are the rights of victims respected, or are victims treated as criminals? Are victims detained, jailed, or deported? If detained or jailed, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

¶120. (U) According to IOM and others involved in counter-trafficking work in Kosovo, victims' rights are generally respected. Nevertheless, some problems have been reported. IOM says that some victims are jailed or deported.

According to IOM, the jail terms depend on the penal code but may be one month or more. Post believes these incidents are the result of women refusing to admit to KPS THBS that they are trafficking victims. KPS THBS has complained of this on numerous occasions. Since prostitution is illegal and constitutes grounds for deportation, KPS THBS say they have little choice when victims are caught for prostitution and vehemently deny being victims.

¶121. (U) Other problems reported included victims not being permitted to give statements in private due to the lack of private interview rooms in police stations and victims who wished to remain anonymous coming into contact with their traffickers in courts due to lax security procedures.

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¶122. (U) Question 30 (E): Does the government encourage victims to assist in the investigation and prosecution of trafficking? May victims file civil suits or seek legal action against the traffickers? Does anyone impede the victims' access to such legal redress? If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Is there a victim restitution program?

¶123. (U) The VAAU reports that victims are not pressured to assist in investigation and prosecution of traffickers, but that systems are in place to allow them to make recorded statements with their faces hidden and voices disguised. Victims, advocates are with them from identification through reintegration and explain their rights every step of the way.

¶124. (U) In addition to testifying against their traffickers, victims may file civil suits or seek legal action against their traffickers. According to IOM, no one impedes their rights to such legal redress. Victims who are material witnesses in court cases against former employers are permitted to obtain other employment or leave the country provided they share their contact details with the court.

¶125. (U) IOM reports that there is a victim restitution program, but it is in its initial phase.

¶126. (U) Question 30 (F): What kind of protection is the government able to provide for victims and witnesses? Does it provide these protections in practice? What type of shelter or services does the government provide? Does it provide shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives? Where are child victims placed (e.g. in shelters, foster-care, or juvenile justice detention centers)?

¶127. (U) The PISG is able to provide 24-hour protection to victims and to allow them to give anonymous testimony if they decide to become witnesses in cases against their traffickers. KPS THBS officers do risk assessments of all trafficking victims. They refer the high-risk victims to the Ministry of Justice-run Interim Security Facility (ISF), a high security shelter that offers 24-hour protection but does not allow victims to come and go as they please. They refer the low- and medium-risk victims to private shelters, which allow some freedom of movement and are generally more conducive to longer stays and reintegration.

¶128. (U) Minors may be sent to the ISF or a shelter for minors depending on their risk level, reintegrated with their families, or placed in foster-care if they come from abusive families. Local Centers for Social Work handle the minors, cases, and report directly to the Ministry of Labor and Social Welfare. While the foster care option exists, UNICEF complained of a lack of opportunities for girls who do not want to return to their families. They said some end up back with the dysfunctional families that contributed to their initial trafficking, thus increasing their potential for re-victimization.

¶129. (U) The PISG provides some reintegration services in cooperation with international organizations and NGOs, but these are limited and are mostly offered through the shelters. They include health care, counseling, education, clothing, pocket money and employment assistance. ILO reports that social workers are not always aware of what is available to the victims. They did a project in 2006 to map available services to try to improve the situation.

¶130. (U) Question 30 (F): Does the government provide any specialized training for government officials in recognizing trafficking and in the provision of assistance to trafficked

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victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? Does it urge those embassies and consulates to develop ongoing relationships with NGOs that serve trafficked victims?

¶131. (U) The PISG trains government officials and anti-trafficking partners on recognizing trafficking and providing assistance to victims, including minors, mostly in cooperation with its anti-trafficking partners in the NGO and international organization communities. The PISG and its partners are currently training social workers, victims, advocates and KPS THBS officers on the standard operating procedures (SOPs) for dealing with victims. The SOPs for local victims were adopted in March 2006 and the existing SOPs for foreign victims were revised and updated in 2006. Only Pristina is left, and the training is likely to be completed in March 2007.

¶132. (U) KPS THBS HQ and regional officers also give numerous trafficking-related trainings and presentations. In 2006, they gave 10 training sessions to KPS recruits and officers attending investigations techniques courses, 9 training sessions to Border/Boundary Police officers, and 6 training sessions to investigators of other units.

¶133. (U) Finally, the Kosovo Judicial Institute offers trafficking-related training to judges and prosecutors.

¶134. (U) Kosovo is not a sovereign state, and therefore does not have embassies and consulates.

¶134. (U) Question 30 (H): Does the government provide assistance, such as medical aid, shelter, or financial help, to its repatriated nationals who are victims of trafficking?

¶135. (U) The VAAU reports that the PISG does provide

assistance to repatriated Kosovars who are trafficking victims. If they are placed in a shelter, they benefit from the same services available to victims identified in Kosovo. IOM reports that there is, however, no other support for victims once they leave the shelter. In the case of minors, social workers are involved with family mediation and school re-insertion and may point victims in the direction of other assistance.

¶136. (U) Question 30 (I): Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities? NOTE: If post reports that a government is incapable of assisting and protecting TIP victims, then post should explain thoroughly. Funding, personnel, and training constraints should be noted, if applicable. Conversely, the lack of political will to address the problem should be noted as well.

¶137. (U) While many international organizations and NGOs work on the trafficking issue, IOM is the only one working directly with victims. Hope and Homes for Children and PVPT were originally international NGOs, but have since spun off and become local NGOs.

¶138. (U) For foreign victims, IOM provides: case screening and management, psycho-social counseling inside shelters or referrals for outside psychiatric and psychological assistance, medical assistance, in-depth needs assessments, travel arrangements, travel documents for victims whose passports have been confiscated by traffickers, travel supplies and reinstallation grants, organization of safe transportation to departure points (in cooperation with UNMIK and based on medical and security concerns), medical and accompanied minor escorts when necessary, and coordination with receiving IOM mission. For local victims, it provides:

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short- and medium-term sheltering in preparation for family reunification or independent living, family mediation (in cooperation with social workers when victims are minors), psychological counseling and psychiatric assistance, reintegration or emergency grants, material support for victims and/or families, housing and rental support, access to education, education-related expenses, vocational training, job placement (including for family members), awareness-raising and self-improvement activities, facilitation of relocation out of Kosovo for witnesses and their families, and monitoring and follow-up.

¶139. (SBU) U.S. Office Pristina does not clear this cable for release to U.N. Special Envoy Martti Ahtisaari.
KAIDANOW